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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,562	09/27/2000	Thomas G. Woolston	032997-036	7517

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EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

09/670,562

Applicant(s)

WOOLSTON, THOMAS G.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the payment information" in line 2. There is insufficient antecedent basis for this limitation in the claim. For this office action, Examiner assumes that Applicant intended for claim 16 to depend on claim 12 instead of claim 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujisaki in view of Salmon et al.

Fujisaki teaches receiving information about an item to be presented at an auction site (column 1; lines 13-14), processing the information about an item for auction (column 1; lines 17-20), storing the processed information as formatted information on laser disk and distributing the laser disks to dealer terminals in order to present the formatted information to a plurality of participants at remote locations (column 4; lines 46-63).

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Fujisaki teaches the host computer, during an auction, receiving at least one bid for the auction item from at least one of the remote users (column 6; lines 12-19). Fujisaki further teaches a host site transmitting an auction start signal (column 5; lines 38-39) to start the auction as well as an auction terminal signal to end the auction (column 5; lines 55-58). (this is the opening and closing of the auction).

Fujisaki does not teach authorizing a user to post information on an item for auction to an auction site, receiving category information about an item for auction nor processing information about an item for auction with a database-to-presentation format formatting program.

Salmon et al. teaches a computer-assisted system for interactively brokering goods between buyers and sellers. In particular, a seller inputs information about an item he/she wishes to sell via a Seller Interface (column 1; lines 32-33). Examiner notes that it is inherent to the system that for a seller to input information he/she must first be authorized.

Salmon et al. teaches forcing the seller, via the Seller Interface to input at least a predefined minimum set of information about the goods for sale (column 1; lines 55-58). This information includes category data (reference Figure 2D, 265 & 266 and Figure 2E, 275 & 276) as well as multimedia information (column 1; lines 33-34). Examiner notes that if a participant inputs category information it is inherent that the system then receives the category information about the item for sale.

Salmon et al. further teaches editing and compiling the information from the Seller into a coherent database with links to allow navigation through the varied portions of each product's information. (column 2; lines 3-15). Examiner interprets this teaching of Salmon et al. to be

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equivalent to Applicant's database-to-presentation format formatting program, as the information about the product for sale is processed into a presentation format.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the laser disk storage of Fujisaki by adding the interactive database of Salmon et al. to the host computer of Fujisaki in order to automate and optimize the data input step, thus authorizing users to post information on items for auction directly to the host computer rather than storing them to laser disk.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to force the seller, via a Seller Interface to input at least a predefined minimum set of information about the goods for sale, including category data, as taught by Salmon et al. while receiving information on the item to be auction in Fujisaki in order to provide the buyer with a more robust way to find items he/she may wish to purchase.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to edit and compile the information from the participants of Fujisaki into a coherent database with links to allow navigation through the varied portions of each product's information as taught by Salmon et al. in order for buyers to preview multimedia presentations on items for auction.

Fujisaki also teaches verifying a member ID before connecting a remote terminal to the auction (column 5; lines 15-35). Fujisaki does not teach receiving credit card payment information from a bidder. Examiner takes Official Notice that it is old and very well known in online markets to require buyers to sign up for membership. In addition, companies often

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require buyers to give credit card information before they are granted a membership ID. This is done in order to verify the credit worthiness of the buyer.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to alter the member ID system of Fujisaki to receive payment (in particular credit card) information on the bidding participants before issuing member ID's in order to verify the credit worthiness of the bidding participants.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3687 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

James A. Kramer
Examiner
Art Unit 3627

JAK
September 5, 2003


**MICHAEL CUFF
PRIMARY EXAMINER**